IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3267 OF 2004
ALONGWITH
CRIMINAL APPLICATION NO.3268 OF 2004

Ramchand H.Nagrani .. Applicant.
Vs.
State of Maharashtra .. Respondent.

Mr.Neville Deboo for the applicant.
Mr.S.R.Shinde APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 23RD AUGUST, 2004

P.C.:

. Heard Mr.Deboo, learned counsel for the applicant and Mr.Shinde, learned A.P.P. for the respondent.

2. These two applications under section 438 of Criminal Procedure Code are filed by one and the same applicant in MECR No.5/2004 and MECR No.6/2004. The crime has been registered by M.R.A.Marg police station against the applicant under section 420 read with 120-B of Indian Penal Code. It was on the basis of the two private complaints filed by Vithal and Vishal Jhaveri in which the learned Magistrate directed the

investigation under section 156(3) of Criminal Procedure Code. The case set up by the complainant is that he had given private loan to the applicant on the assurance given by him that huge amounts were due from the Corporation and that he would repay the entire loan with 24 % interest per annum to the complainants. It appears that some cheques were also issued by the applicant and since they were not honoured, the two complaints under section 138 of Negotiable Instruments Act have also been filed against the applicant. On perusal of the complaints, prima facie, it seems to be a disputes of civil nature between the complainant and the applicant. However, I would not like to express any opinion at this stage. The application was not seriously opposed by the prosecution. Moreover, the applicant has co-operated with the investigation so far. The prosecution case rests on the documents and all the documents have already been taken in custody by the investigating agency. Keeping that in view and considering the nature of the allegations I am satisfied that custodial interrogation of the applicant would not be necessary.

. The applicant is, accordingly, directed to

be enlarged on bail, in the event of his arrest, in MECR No.5 of 2004 and MECR No.6 of 2004 on his furnishing a personal bond of Rs.25,000/- in each of the crimes with one or two sureties of the like amount to the satisfaction of the Station Officer of the concerned police station, subject to the condition that he shall report to the said police station every alternate day for a period of 15 days between 11 am and 1 pm and thereafter as and when called for interrogation.

. While passing this order, I shall not be understood to have expressed any opinion on merits of the case. The trial court will deal with the case uninfluenced by the observations made in this order.

. The application is disposed of.

(D.B.Bhosale, J.)